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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,119	01/20/2004	J. Dwidjaja Setiabudi	9-16084-IUS	6638
2292	7590	11/25/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ROY, ANURADHA	
			ART UNIT	PAPER NUMBER
			3736	
DATE MAILED: 11/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

TWS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,119	SETIABUDI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anuradha Roy	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 17 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 & 13-16 is/are rejected.  
 7) Claim(s) 12 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                     |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                         | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                | Paper No(s)/Mail Date. _____ .                                              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>April 20, 2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                                     | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

**Specification**

The disclosure is objected to because of the following informalities: Figure 1 and its elements are not described under the Detailed Description of the Preferred Embodiment. Appropriate correction is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 6-10, & 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bittman (US Patent No. 5,662,117).

Regarding claims 1, 4, & 9, Bittman discloses a system and method for analyzing biofeedback information for performance and motivation level of an individual and/or member of a group, comprising:

providing a plurality of transmitters (15) for receiving and transmitting biofeedback and brain waves;

positioning a transmitter (11 & 15) on a user;

collecting (20 & 30) transmitted data from each user;

processing (30) said transmitted data;

and demonstrating processed data in the form of biofeedback information (70).

Furthermore, Bittman discloses a system, wherein said transmitters are networked with said processor (15, 20, & 30).

Regarding claims 3, 13, & 14, Bittman discloses a system, wherein demonstration means includes audio information (Column 3, lines 55 – 61 & element 80). Furthermore, Bittman discloses a method, wherein said biofeedback information comprises visual information (Column 3, lines 55-67; Column 4, lines 1-8; & element 70).

In regards to claims 6 & 15, Bittman discloses a system, wherein demonstration means includes kinesthetic information (Column 1, lines 58-65 & Column 4, lines 9-14).

Regarding claims 7, 8, & 10, Bittman discloses a system, for integration with devices selected from the group consisting of a television monitor (Column 3, line 67), computer (30), stereo system (Column 3, line 67), projection screen, LCD panel, portable sound system with display (70 & 80), VFD and OLED. Furthermore, Bittman discloses a system wherein demonstration means displays Column 3-4, lines 65-8)

processed information of all users and wherein said processed data is simultaneously collected from each said user and displayed.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 11, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittman in view of Roizen et al. (US Patent No. 6,497,658).

Bittman discloses all of the aforementioned elements. However, Bittman does not directly disclose a system, wherein said processor means compares pre-transmitted data with post transmitted data and wherein the compared processed data is displayed to individual to effect a physical and/or emotional change. Furthermore, Bittman does not disclose a system, wherein said transmitters comprise wireless transmitters. Roizen et al., however, discloses a biofeedback system wherein the processor means compares pre-transmitted data with post transmitted data (Column 7, lines 3-5) and wherein the compared processed data is displayed to individual to effect a physical

and/or emotional change (Column 7, lines 6-11). Additionally, Roizen et al. discloses the use of wireless transmitters (Column 5, lines 41-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a means for comparing pre-transmitted information and post-transmitted information in order to provide feedback to an individual. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include wireless transmitters in order to provide an individual with more flexibility in travel while using the system.

#### **Allowable Subject Matter**

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is noted that the Examiner is unclear whether the inventors developed the Neutech formula. Clarification for this matter is requested.

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gevins et al. (US Patent No. 6,434,419), Manico et al. (US Patent No. 6,527,700), & Freer (US Patent No. 6,097,981) disclose systems to obtain biofeedback information of an individual.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anuradha Roy whose telephone number is (571) 272-6169 and whose email address is anuradha.roy@uspto.gov. The examiner can normally be reached between 8:00am and 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

~AR~



MAX F. HINDENBURG  
SUPERVISORY PATENT EXAMINER  
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